

REMARKS

The Pending Claims

Currently pending are claims 101, and 115-127.

Summary of the Office Action

In the Office Action dated April 13, 2007 (hereinafter “the Office Action”) the Examiner rejected claims 101, 114-119, 121-122, and 124-127 under 35 U.S.C. 103(a) as obvious over US4,949,672 to Ratcliff et al. (“Ratcliff”); claims 101, 114-119, and 121-127 under 35 U.S.C. 103(a) as obvious over US5,016,568 to Stanislawski et al. (“Stanislawski”); and claim 120 under 35 U.S.C. 103(a) as obvious over US4,949,672 to Ratcliff or in the alternative Stanislawski in view of Fleischer.

Summary of the Amendments

Applicants have amended the claims to more clearly define the invention. The limitations that the litter contain activated carbon and that the activated alumina is colored have been added; zeolite has been removed from the markush group of secondary particles; and the odor-absorbing ability of the activated alumina has been affirmatively claimed. Applicants submit that these additions to the claims are fully supported by the original specification and add no new matter. For example, please see Applicants’ specification paragraphs [0049], [0055] and [0056].

Discussion of the Prior Art Rejection

With regard to Ratcliff, the Examiner states that “since Ratcliff discloses dyes and pigments as additional adjunctive components, it would be within the knowledge of one of ordinary skill in the art at the time the invention was made to have coated the zeolite particles with a color altering agent.” Applicants respectfully disagree.

Ratcliff does not disclose the incorporation of activated alumina into the litter composition. The coating process disclosed in Ratcliff (see col. 5, lines 36-26) describes that the boron-containing materials are processed in a solution containing alkali metal hydroxide and then combined with a separate slurry containing other actives, including further odor control agents (col. 5, lines 51-59).

Applicants respectfully submit that one skilled in the art would not be motivated to modify Ratcliff to include activated alumina because it is unknown what effect subjecting the activated alumina to the conditions of the Ratcliff coating slurry would have on the odor-absorbing efficacy of the activated alumina.

It is submitted that since activated alumina was not mentioned in Ratcliff as either a primary litter absorbent material or an odor-absorbing active added to a litter composition, one skilled in the art would lack any motivation to use the Ratcliff coating process to color activated alumina particles intended for use as odor-absorbers in litter. The Ratcliff coating process includes boric acid, sodium hydroxide and a heating step. It is submitted that since the purpose of the activated alumina in the present invention is odor absorption, one skilled in the art would be inclined to avoid the harsh conditions of the Ratcliff process because it may adversely affect the odor-absorbing efficacy of the activated alumina.

With regard to Stanislawsky, the Examiner states that Stanislawsky discloses a method of coating particles. Applicants submit, however, that the coating process of Stanislawsky solves the problems associated with delivering pine oil directly onto an absorbent animal litter material. To overcome these problems, Stanislawsky discloses a process in which water, pine oil and a surfactant are combined to enable the dispersion of low concentrations of pine oil onto the litter material.

Applicants submit that one skilled in the art, would not be motivated to modify Stanislawsky to meet the claim limitations of Applicants' invention. Applicants claim the odor-absorbing properties of activated alumina in animal litter. Stanislawsky teaches the use of pine oil in animal litter to control odor. A coating process that includes pine oil will likely create activated alumina particles that have absorbed pine oil and are no longer capable of absorbing any additional odors. Thus, it is submitted that no motivation exists for one skilled in the art to utilize the Stanislawsky coating process to color the odor-absorbing activated alumina particles claimed by Applicants because the Stanislawsky process may adversely affect the odor-absorbing efficacy of the activated alumina.

CONCLUSION

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney. In the unlikely event that the Patent Office determines that an extension and/or other relief is required as a result of this statement, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due to our Deposit account number 032270. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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